

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 09/895,197

Q64874

REMARKS

Claims 1 and 3-8 are all the claims pending in the application.

The Examiner has rejected claim 6 under 35 U.S.C. § 112. Applicants have amended claim 6 to address this rejection.

Claims 1 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Barton (U.S. Patent No. 1,713,210). In addition, claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Walsh (U.S. Patent No. 3,424,873). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Walsh in view of Kobayashi (U.S. Patent No. 4,118,605) or Knowles (U.S. Patent No. 2,295,483). As a final matter, claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Walsh in view of Suzuki (U.S. Patent No. 4,395,597), Kawamura (U.S. Patent No. 4,478,309) or Sakamoto (U.S. Patent No. 5,594,805). Applicants respectfully traverse these rejections.

I. Claims 1 and 8

The Examiner asserts that Barton teaches all of the elements of independent claim 1 including a diaphragm body made of metal and an auxiliary diaphragm formed to cover only the center portion of the diaphragm body. Applicants respectfully disagree.

The Examiner asserts that Barton's diaphragm body corresponds to the auxiliary diaphragm of the present invention and that Barton's auxiliary diaphragm corresponds to the diaphragm body of the present invention. Specifically, the Examiner asserts that Barton's metal spider 26 corresponds to the recited diaphragm body.

In Barton, paper diaphragm 4 covers all of the inside of the metal spider 26. As such, the Examiner incorrectly asserts that the paper diaphragm covers only the center portion of the metal

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 09/895,197

Q64874

spider. Further, the Examiner asserts that Barton discloses an outer surface of metal spider 26 which is not covered by the paper diaphragm 4. Again, Applicants respectfully submit this is incorrect.

Metal spider 26 supports paper diaphragm 4. Therefore, metal spider 26 is not a diaphragm body as recited in independent claim 1. Moreover, paper diaphragm 4 covers all of the inside of metal spider 26, not just a center portion as recited in independent claim 1. Therefore, Applicants submit that it is incorrect for the Examiner to equate the term "inside" with the recited "center portion." As such, Applicants respectfully submit that Barton does not anticipate independent claim 1.

Since claim 8 depends from claim 1, this claim is also patentable for the same reasons as set out above with respect to independent claim 1.

II. Claims 5-7

With respect to the rejections of claims 5-7, Applicants have amended each of these independent claims to further recite that the diaphragm body includes a second part in an area except for the center portion, wherein the center part is not covered with the auxiliary diaphragm. This limitation is also contained in independent claim 1. Applicants respectfully submit that Walsh fails to disclose, teach or suggest this recited limitation. In addition, Applicants respectfully submit that neither Kobayashi, Knowles, Suzuki, Kawamura nor Sakamoto supply this missing limitation, and the Examiner has not argued otherwise. As such, Applicants respectfully submit that claims 5-7 are patentable over the referenced patents.

Applicants' Statement of Substance of Interview

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/895,197

Q64874

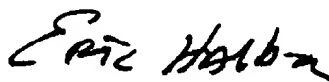
Applicants wish to express appreciation to the Examiner for the courtesy of a telephonic interview which was conducted on February 10, 2005. The substance of the interview is set forth in the Interview Summary, numbered Paper No. 02182005, attached to the current Office Action.

During the interview, the propriety of the January 10, 2005 Advisory Action was discussed. As a result, the Examiner confirmed that she will withdraw the prior final Office Action and provide a new non-final Office Action which would set out any new rejections with respect to any newly discovered references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Eric P. Halber
Registration No. 46,378

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: June 1, 2005